

AN E D I C T ¹⁸ OR S T A T V T E

lately set foorth by the *French King*,
concerning the prohibition and punish-
ment of single and priuate
Combats.

Published there in the Parliament, June 27. 1609.

And first printed at *Poitiers* by *Iohn of Marness* the
Kings Printer, 1609. with his Maiesties
Priuelege or Licence.

¶ Newly translated out of French. by m^r. S a r



LONDON,
Printed by *William Hall* for *Richard Boyle*, and are to be
sold at his shop in the *Black-Friers*.

1609.



ENRY by the grace of God King of FRANCE and NAVARRE: To all his Subjects greeting. The Kings our predeceffours, and We, haue made diuers Ordinances & Statutes for the restraining and abolishing of the too common and familiar vse of duels and single combats in this our kingdome. Mooued, as most Christian Kings, with our dutie, and the discharge of our consciences towards God: and as louing and gentle Fathers, with the generall safety and welfare of all our Subiects: as likewise with the care We haue of the preservation of our So- raigne authoritie, greatly offended and endammaged by the disordered and too much vnbridled licence of those aforesaid combats. To this end haue We, by our Edict, dated in Aprill the yeere of our Lord 1602. and made by the consent and aduice of al the Princes of our blood, the Officers of our Crowne, and others of our Counsell which were then about Vs, declared all such, as vnder a pretence of drawing satisfaction from any man for a pretended wrong, shall either challenge, or cause him to be challenged, guiltie of high treason, and withall ordained they shall bee punished accordingly: as likewise such as shall answer any such challenge, or assist & second such as doe. With expresse prohibitions

to all our Officers, of what place & qualitie soeuer, not to dispense with such as are guilty of the paine prescribed by the lawes of our kingdome against the Criminals of interessed Maiestie, or high treason, nor to moderate the same vpon any consideration. Hoping that the grieuousnesse and terrour of the said paine will be a meanes to repressse the libertie and detestable custome of those aforesaid combats. But so farre are We from obtaining what Wee so laudably desire, that, to our great griefe, and the no lesse contempt of Gods Commandements and our owne, these single duels or combats haue since beene farre more frequent then before. Which we haue obserued principally to proceed from a false, erroneous and long conceiued opinion, too deeplie rooted in the hearts of our Nobilitie, who haue alwaies had their honour in greater estimation then their liues, That they ought not to demãd or seek for any satisfaction of receiued wrongs, but only by armes, without disparaging their reputation, and incurring some note of cowardly basenesse, but specially in those cases, which they imagine cannot bee sufficiently repaired but by armes. Notwithstanding that We, to free them from this scruple and pretext, haue by our foresaid Edict beene willing to charge our selues with whatsoeuer might bee objected in this regard against those that should submit and range themselues to the obedience and obseruance thereof. Moreouer, many as malicious as rash, not well informed of what heauy censure and iudgement We do esteeme such actions worthy, doe often times on set purpose engage and precipitate themselues thereinto, to the no lesse endangering of their soules, then of their bodies, thinking to increase heereby their reputation, and to get the start and aduantage
of

of others. Howbeit, in effect they bee directly contrarie to true and solid honour, no way beſeeming a true Chriſtian, and altogether diſpleaſing vnto Vs. So that from Vs they are to hope heereby for ſo little fauor, that VVe deteſt the uſe of the, as VVe do thoſe that praſtiſe them, as a more then brutiſh madneſſe. Being willing therefore now laſtly to make cleere and manifeſt the falſe conceit of thoſe that build ſuch opinions vpon ſo dangerous and deceitfull foundations; and by the ſame means prouide (as much as in Vs lieth) for the diſaſtrous inconueniences which are daily bred of the boundleſſe ouerflow of this aboue ſaid libertie : as experience teacheth Vs, that ſometimes it is neceſſarie, for the better welfare of the Common-wealth, to alter and change the lawes, and to accommodate them to ſuch accidents as newlie happen, to make them the more profitable : VVe likewise haue thought it requiſite, by the aduice of the ſaid Princes of our blood, Officers of our Crowne, and other great and honourable perſons neere vnto vs, who by our expreſſe command haue often aſſembled themſelues together about this ſubiect, to adde to thoſe preceding Statutes and Decrees made by our Predeceſſours, and by Vs, againſt the ſaid combats (without reuoking or diſannulling them in any thing) this preſent Ordinance. Which VVe will and command to be kept, and inuiolably obſerued of all ſorts of perſons, of what eſtate or condition ſoeuer they be. Giuing them all expreſſe prohibitions to this end : As likewise to the Queene our deare and beſt beloued Associate, & to all the ſaid Princes of our blood, other Princes, and to our principall and ſpeciall Officers & Seruants, not to make any petition, requeſt, or ſupplication vnto vs contrarie heereunto, vpon paine of our diſpleaſure. Proteſting

and swearing by the liuing God, neuer to grant any grace or pardon, that may derogate from this present Ordinance, nor euer to dispense with any man from the paines and punishments thereby prescribed, in fauour or consideration of any whosoeuer, nor for any cause, pretenses, or respects, that may be taken, propounded, and alleged, whatsoeuer.

I

First of all, We enioine all our foresaid Subiects, of what estate or condition soeuer they be, to liue heereafter in peace, vnity, and concord, without offending, wronging, contemning, or prouoking one another to hatred and enmitie, vpon paine of incurring our indignation, & suffering withall some exemplary punishment.

II

Wee command that they honour and respect such persons as by birth, and by reason of those offices and dignities wherewith our selfe haue furnished them, deserue to be distinguished from other, as We vnderstand they are: and that such as shall faile in this their dutie and respect, be punished according to the qualitie of the person whom they haue offended.

III

The said persons of qualitie shall likewise abstain from offending others, wherby to compell them to loose the respect which is due vnto them. And where they shall so doe, shall be bound to satisfie as shall bee appointed.

IV

All differences that shall happen amongst our subiects, and whereof the examination and decision may and ought to be performed by iustice, shall be ended and voided by the ordinary courtes of law established in our kingdome. And We forbid the parties to frame any quarrell

quarrell thereon, vpon paine to him that shall attempt it, of the vtter losse of the thing in question, which now from this present we will adiudge to his aduerse partie.

V

And forasmuch as through the indiscretion and malice of some, others sometimes endure such grieuous outrages, that they thinke it impossible to draw any amends from them which may satisfie them in their honour, but by way of armes; which being interdicted and forbidden by our said Edicts, they either seeke it themselves, or practise it by their friends, and exercise it daillie, to the great contempt of our Lawes and our Authoritie, from whence those disorders, and so frequent murders, which at this present wee will repress, doe arise; Wee haue iudged it necessarie, for the preuenting of more perillous accidents, to permit, as by these presents We permit all and euery person, that shall thinke himselfe offended by another in his honour and reputation, to complaine to Vs, or to our deare and best beloued cosins, the Constable and Marshals of *France*, and to demand either of Vs, or them, the Combat; which shall be granted them by Vs, according as Wee shall thinke it expedient for their honour.

VI

Such as are in our Prouinces, may adresse themselves to the Gouvernours of them, and in their absence, to our Lieutenants Generall; and in default of them, to the Gouvernours or Lieutenants Generall of the Prouinces next adioining, to shew their grieuances to them, and to demand of them the said Combat. Which Gouvernours or Lieutenants Generall shall decide the said differences, if it may be done. And if they bee of that nature, that they cannot bee ended but by Combat, they shall

shall giue vs notice of it, that they may receiue & cause to be put in execution our commandement thereupon.

VII

The partie offending shall bee bound to appeare before Vs, or the said Constable and Marshals of *France*, as before the said Gouvernors or Lieutenants Generall in forme aboue said, when hee shall bee called either by Vs or them, when our command or theirs shall haue beene signified either to himselte in person, or at his house two seuerall times, with the complaint of the partie griued : And the request of the combat which hee shall haue made; whereto if hee be wanting, it shall bee then reiourned for three daies. And not appearing, he shall be suspended for his disobedience from his honor, be made vncapable of bearing any armes, and turned ouer to the Iudges of our Courts of Parliament, euerie one according to his abode, to be punished as refractarie to our ordinances and decrees. Which Courts We enioine to doe their dutie heerein.

VIII

If one of the said parties haue iust occasion to refuse the foresaid Iudges, to whom they are appointed to present their complaints, hee shall haue recourse to Vs, and We will see to it. But if the causes of such refusall be found light and friuolous, and vnworthy in some sort to be accepted, hee shall be turned ouer with blame to the said Iudges, who shall dispose of it as they think best.

IX

Hee that shall aske the combat, and bee iudged not receiueable, as hauing taken offense too lightly, and vpon small occasion, shall be sent backe with shame.

X

The Attemptor that shall haue offered wrong vnto another,

another, so as to preiudice his honour, shall be deprived for the space of six yeeres, of all such Charges, Honors, Titles, Offices, Dignities, & Pensions, as he is possessed with, and not be reestablished in them during the said time, nor after, valesse hee shall haue asked pardon of Vs, and satisfied the partie in such manner as shall haue beene determined, and withal receiued from Vs new orders, and declaration of our will for his reentring into the said Charges.

X I

He that shall haue no Office, Charge, Dignity, or Pension, shall lose the third part of the annuall reuenue of all such goods as he enioieth. Which thirds shall be leuiued by way of preference to all charges, debts, and obligations whatsoever, and employed to such vse as We shall afterwards declare. And hee whose said thirds shall amount to lesse then two hundred pounds, or that shall haue none at all, shall bee kept in prison the space of two whole yeeres, wherefoeuer We shall appoint.

X II

Whosoeuer shall challenge any man the field in the behalfe of another, or certifie the challenge, or bee the bearer of any dishonourable speech, shall for euer bee degraded from his gentry, deprived of armes, bee kept in perpetuall prison, or be punished with some infamous death, according as shall by Vs or by the foresaid Iudges be ordained. Besides, he shall forfeit for euer the halfe of his goods, as well mooueable as immooueable.

X I I I

He that esteeming himselfe offended, shall challenge the combat for himselfe, not hauing formerly demanded leaue, as is heere enioined him, shall bee deprived from euer being able to make his party good by armes

with any man, as likewise from obtaining any satisfaction or amends for whatsoeuer iniurie he shall pretend to haue receiued. And if he that shall haue bene challenged by him, shall giue Vs, or our foresaid Cosins, the Constable and Marshals of *France*, or at least the said Gouvernours and our Lieutenants Generall, notice thereof as We appoint thē to do, the Charge, Office, or Pension, which the said challenger enioieth, shall be giuen, as from hencefoorth We ordaine, to the partie challenged, if hee bee a man of qualitie, and fit to hold the said Charges: but if he that is challenged, repaire to the place appointed, or doth any thing tending to this end, without giuing notice as aforesaid, hee shall vndergoe the same punishments with the partie challenging, and We wil then dispose of the Charges, Offices, and Pensions of either partie as shall seeme best vnto Vs.

X I V

If contrarie to the prohibitions expressed in this our present Proclamation, it falleth out, that any fight, and kill another, he that shall haue killed, shall vndergoe the paine of death, declared by all our Ordinances. And till such time as he be apprehended, he shall be deprived of those Charges, Dignities, and Pensions, which are in his possession. Moreouer, the halfe of the reuenue of all his goods shall for ten yeeres space bee imploied to such ends and purposes as We shall ordaine heereafter, without any satisfaction notwithstanding to the heires of the partie that is slaine, because he disobeied this our present Edict. And if both the parties die in the said combat, their bodies shall be deprived of buriall, and the thirds of their goods in fee simple bee employed to that same end as shall bee said. And if they haue no goods, their children shall bee declared ignobles, and taxable

taxable for ten yeers. And in case they were before taxable,shalbe proclaimed to be vnworthy of euer being noble, or holding any Charge, Dignity, or Office Royall.

X V

Such as shall haue assisted the said Combattants, if once they haue had weapons in hand,shall lose both life and goods,according to our former Edicts. And if they haue beene but only lookers on, yet went thither to that end and purpose, they shall bee degraded from armes, and for euer be depriued of those Charges, Dignities, & Pensions, which they enioy. And if it hapned by chance that they were there,and neuerthelesse did not indeuour to part the said Combattants, and to hinder them from the deed,they shall be suspended from the performance and possession of the said Charges, Offices, & Pensions for six yeeres, and shall not alter the said terme of time be restored vnto them, till such time as they haue asked pardon of Vs, and procured new decrees and orders from Vs.

X V I

Those that of themselves shall fight in single combat, shall incurre the paine of death,or perpetuall imprisonment, with the losse of halfe their goods : and till such time as they be apprehended, shall bee degraded from their Gentry,and depriued,during their life, of all their goods.

X V I I

If the offenses be committed in places of respect, besides the paines and penalties heere aboue mentioned, from which We protest neuer to exempt any man; such as shall commit them, shall bee subiect to the sharpest and seuerest punishment contained in the lawes and ordinances, as well ancient as moderne,of our kingdome.

XVIII

All Lawes, how good and holy soeuer, are neuertheless defectiue, and more hurtfull often times then profitable to the Common-wealth, as likewise not very honourable to the Law-maker, vnlesse they bee obserued & executed in euery point as they ought to be. Hence is it that We expressly inioine & command our said cosins the Constable & Marshals of *France*, to whom the knowledge and decision of these contentions, quarrels, and differences that concerne the honor & reputation of our said Subiects, appertaine, that they diligently see to the obseruation of our present Edict, without vsing any moderation, or suffering it in any sort to be counterchecked by any fauour or conniuece: Notwithstanding all Letters priuate and patent, and all other Commands that may be receiued from Vs, which Wee forbid them to respect, as they desire to be pleasing and obedient heerin vnto Vs.

XIX

We giue the like Commandement to all other Officers of our Crowne, euen in regard of those that are vnder their charge; and to the Gouvernours or Lieutenants Generall of our said Prouinces, for our Subiects that inhabit in them, who shall repaire vnto them, as is permitted and ordained them by this our present Proclamation: Reseruing to our selues the liberty of adding heereunto by way of augmenting and enlarging the penalties, that which time, the practise and experience of such orders as in it are expressed, shall teach Vs to be necessarie, That We may cause the libertie and confusion abouesaid of these duels and single combats, vtterly to cease in this our kingdome, as things too rashly vndertaken, and with presumption on our authoritie; and by

by this meanes free our said Subiects from the ineuitable perils of their soules, as of their bodies and goods, into which they runne headlong continually by such meanes: VVhich We haue declared, and by these Presents doe declare, to be altogether infamous & shamefull, as repugnant to true honour, as those, to which a passage by these Presents is made them, shall from hencefoorth be both honorable and profitable to them.

XX

And to the intent it may please God to blesse our present intention, and to direct and prosper it to his glory, and the safety of our said Subiects, We haue vowed, allotted, and appointed all such mony as shall arise from the pecuniary penalties, seifures, perception, and enioying of the profits and reuenues of such as shall infringe this our said Edict, to be imploied as well for the nourishing of the poore, and for the erecting of an Hospitall Royall, which Wee haue determined to build expressly to this end and purpose, as also for the repairing of decayed Churches in this our kingdome, not suffering the said summes of mony to be diuerted from these vles vpon paine of grieuous punishment.

In the meane time We will and command, that the said summes of money bee receiued by the Receiuer of Gods Hospitall in our good City of *Paris*, who shall diligently keepe it till such time as We shall otherwise dispose of it. Wee also giue commandement to all our trustie friends, the Iudges of our Courts of Parliament, Shiriffes, Bailiffes, and other our Iustices and Officers, to whom it appertaineth, That they cause the contents of these Presents to be read, published, and enregistred, kept, and obserued, and that themselues keepe and obserue the same inuiolably, and without infringement:

For such is our pleasure. And to the end it may remaine
for euer firme and stable, Wee haue signed these Pre-
sents with our owne hand, and caused our Seale to bee
put thereto, without preiudice either to our own right,
or that of other in any thing.

Giuen at *Fontaine-Bleau*, in Iune, the yeere of grace
one thousand six hundred and nine ; and of our raigne
the twentieth.

Signed, HENRY.

And a little lower, BRVLLART.

And on the side, VISA.

And sealed with greene wax, on labels of red and
greene silke.

Read, published, and registred, at the request of the Kings Atturney Generall, without preiudice to any rights, or obligations of pretended Creditors. And ordained that Copies compared with the originall shall be sent to the Bayli-wickes, and Counties of that Province to be read, published, and registred. Enioynd the Substitutes of the Kings Atturney Generall to proceed in the publishing, and to certifie the Court of their diligence within the month. At PARIS in Parliament, 16 Iune. 1609.

Signed- DV-TILLET.

THis required the Kings Atturney Generall, ordained that his Maiesties Edict now read, should bee registred in the Court Rolles, that recourse might be had thereto when need required, and to bee published with sound of trumpet thorow all the streets and corners of this City, where Proclamations are accustomed to be made, and sent with all diligence, at the charges of the Notarie, to eury particular Court, there to bee likewise read, published, and registred; whereof the Officers shall certifie the Kings Atturney. It is enioined, and We enioine, all persons of what estate and condition soeuer they bee, to obey it, vpon paine as aforesaid. Made this 11. of Iuly, 1609.

THis present Proclamation hath beene read and published the Court being assembled, and besides thorow all the streets of this Towne of *Poitiers*, by me *Steuens Renier* Sergeant Royall, hauing with mee *Peter Pareau* Crier, and Trumpetter ordinarie of this City. Made this 11. of Iuly, 1609.

Signed Renier and Pareau.

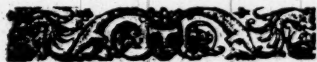
THE COPPY
OF A
LETTER

SENT
FROM GENERALL

LEISHLEY,

To the Lord Generall the Earle of
HOLLAND,

*And read in the House of Commons, the
7th. of Iuly, 1641.*



Printed in the yeare, 1641.